

# Department 62 Policies and Procedures

[Effective 2004]

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**Honorable Ronald L. Styn, Presiding**

## **Department 62 Staff**

Court Clerk:	Patti Ashworth
Calendar Clerk:	Lorinda Jones
Staff Attorney:	Kenneth Jensen
Reporter:	Susan Holthaus

<b>Phone numbers:</b>	Courtroom (619) 685-6055
	Calendar (619) 685-6117

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**1** **Conformity with Local Rules.** Unless otherwise indicate herein, Department 62 strictly adheres to the San Diego Superior Court Rules.

## **2** **Calendars**

**2.1 General.** Counsel are expected to be on time for all scheduled hearings. If for any reason, you find you will be late for an appearance, please contact this department, in advance, at (619) 685-6055.

**2.2 Ex Parte.** Ex parte appearances are by reservation only on Monday, Tuesday, Wednesday, and Thursday at 8:30 am. Papers are due the day before the hearing by 2:00 p.m. Counsel may obtain reservations by contacting the IC Calendar Clerk at (619) 685-6117. Please note that there is a daily limit to the number of ex parte reservations issued. If you find that you will not be appearing after reserving your date, please contact the department to cancel.

**2.4 Case Management Conferences.** CMC's are scheduled on Fridays at 10:00 a.m. and 10:30 a.m. and at such other times as the Court may designate. This Department sets each case for a CMC approximately 150 days after filing of the complaint. It is the duty of Plaintiffs' and Cross-Complainants' counsel to notify all parties served of the date and time of the CMC if it has been set.

**2.5 Case Management Conference Statement.** Department 62 requires a Case Management Statement as indicated in CRC 212(c) utilizing form CM-110.

- 2.6 Case Management Order. [Construction Defect Cases]** Unless otherwise ordered, counsel are to prepare a Case Management Order after the initial CMC to include the dates agreed upon at the CMC and other relevant provisions agreed upon by the parties.
- 2.7 Naming new parties. [Construction Defect Cases]** Counsel are to designate a date in their prepared Case Management Order by which all new parties are to be named.
- 2.8 Cross-complaints for Equitable Indemnity [Construction defect Cases]** In complex construction defect cases, the Court strongly encourages counsel to stipulate in a Case Management Order to the following:
- (1) All parties who want to pursue equitable indemnity/contribution/declaratory relief causes of action against any party(ies) shall, within sixty (60) days of appearing, file and serve a formal cross-complaint. After sixty (60) days, leave of Court must be obtained. A cross-complaint seeking equitable indemnity/contribution only shall not exceed 3 pages. Counsel are encouraged, but not required, to use Judicial Counsel Form 982.1(14).
- (2) No Formal Answers are to be filed. The answer, with all applicable affirmative defenses, shall be deemed filed.
- 2.9 Trial Readiness Conferences.** All trial readiness conferences are normally scheduled on Fridays at 9:30 am. unless otherwise indicated.
- 2.10 Trial Call.** All trials are ordinarily called on Fridays at 9:30 a.m. and at such other times as the Court may designate.
- 2.11 Trials.** Monday through Thursday, 9:00 am until 12:00 noon and 1:30 p.m. until 4:30 pm., unless otherwise ordered.

### **3 Law and Motion:**

- 3.1 Reservations Required.** This department hears motions by reservation only. Counsel must reserve a date for each motion to be filed, by contacting the IC Calendar Clerk at (619) 685-6117. Counsel will be given the first available hearing date.

**3.2 Tentative Rulings.** This department does not issue tentative rulings until the time of oral argument pursuant to CRC 324(b). The tentative ruling may be available on the internet.

**3.3 Discovery Motions/Demurrers/Motions to Strike.** Prior to the filing of a discovery motion, demurrer or motion to strike, the Court requests counsel to appear ex parte in this Department to seek leave to file.

**3.4 Motions/Applications for Good Faith Settlement.** If Counsel files an application for good faith settlement pursuant to CCP § 877.6(a)(2), Counsel are to file their order and application concurrently. The application and order will be held the requisite 25 days, and if no motion to contest is filed, the order will be signed and processed. The clerk will return conformed copies of the application with the order signed by the judge after the 25-day period has elapsed.

**4 Orders.** The Court's minute order is the final order of the court unless the Court directs counsel to prepare and submit an order.

**5 Stipulations:**

**5.1 Filing required.** This court adheres to the time limits as set forth in the Code of Civil Procedure regarding the time in which to answer, demur, cross-complaint etc. Stipulations to extend the statutory time to respond must be in writing and signed by this court in order to be effective.

**5.2 Approval required.** No procedure or deadline or date established by this Court may be modified, extended or avoided by stipulation or agreement of the parties or counsel, unless the stipulation is approved by this Court in advance of the date sought to be altered. Stipulations to extend discovery cut-off dates should contain the following language:

"This order shall not form the basis to extend any other cut-off dates, to add any new parties, causes of action or defenses, or to continue the trial date."

**6 Judgments/Prove-ups**

**6.1 Default Judgment.** This Department will entertain a party's request for a default judgment only when there are no other active defendants in the case. Counsel are to call and request a hearing date for a default judgment prove-up. Affidavits and other declarations submitted in support of entry of default judgment must be submitted on declarations pursuant to Code of Civil Procedure §585(d) five court days prior to the hearing date. The department will notify counsel if an appearance or oral prove-up hearing is required.

- 6.2 Judgments.** The prevailing party at trial should prepare a judgment and submit it to opposing counsel for approval as to form and content before submitting it to the court for the Judge's signature. Judgments which do not conform to the requirements of the Civil Code and Code of Civil Procedure will be returned.
- 6.3 Attorneys Fees.** Any request for attorney's fees as costs to be added to a final judgment must be supported by declaration or noticed motion. See Code of Civil Procedure 1033.5(c)(5) and CRC 870.2.